

United States District Court

Southern

DISTRICT OF

New York

Jeffrey Alexander Sterling
v.

SUMMONS IN A CIVIL CASE

CASE NUMBER: 01 CV 8073 (AGS)(DFE)

George Tenet et.al.

TO: (Name and address of defendant)

Acting U.S. Attorney
U.S. Attorney's Office for the
Southern District of New York
100 Church Street
New York, New York 10007

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Mark S. Zaid, Esq.
1275 K Street, N.W.
Suite 770
Washington, D.C. 20005

an answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

COPY RECEIVED

Jan 11 2012
Certified mail
U.S. ATTORNEY GEN.
7099-3400-0011-3968-872

DEC 28 2011

JAMES M. PARKISON

CLERK

Michael Lindner

(BY) DEPUTY CLERK

DATE

GOVERNMENT
EXHIBIT

77

1:10CR485

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Case No.

Jeffrey Alexander Sterling
(aka [NAME REDACTED])
-plaintiff-

-against-

George Tenet
Director, Central Intelligence Agency
John Doe (1-10)
-defendants-

COPY RECEIVED
JAN 23 2015
U.S. ATTORNEY SDNY

COMPLAINT

1. It is hereby complained that Jeffrey Alexander Sterling (aka [NAME REDACTED]); hereinafter referred to as Complainant) was subjected to employment discrimination on the basis of race (African American) as a member of (1) a protected category; and (2) treated differently than non-African American officers. Complainant was also subjected to retaliation for participation in the Equal Employment Opportunity (hereinafter referred to as EEO) process.

PLAINTIFF

2. An employee with the Central Intelligence Agency (hereinafter referred to as CIA) as an Operations Officer (hereinafter referred to as OO).

DEFENDANTS

3. George Tenet is the Director of the CIA and is responsible for actions of the CIA. The John Does indicated are covert employees of the CIA who participated in the discrimination and retaliation against Complainant.

JURISDICTION AND VENUE

4. The United States District Court for the Southern District of New York has jurisdiction over New York County [¼ LINE REDACTED].

ALLEGATIONS

5. Complainant joined the CIA in May 1993 as an OO. Complainant successfully completed required training and obtained certification as an OO in December 1994. After certification, Complainant served in the Washington, DC area; an overseas posting; and [1/2 LINE REDACTED]. Complainant was serving in the capacity of an OO in the [ONE WORD REDACTED] when he was subjected to discrimination on the basis of race (African American) and retaliation for participation in the EEO process.
6. Complainant arrived in New York January 1999. Complainant's duties were to include those normal to an OO in [FOUR WORDS REDACTED]. As a member of a select and elite cadre of [ONE WORD REDACTED] Specialists, Complainant was to also serve as Coordinator for the [TWO WORDS REDACTED] subject matter. During Complainant's tenure at the [ONE WORD REDACTED], his direct supervisors and management included: COS [NAME REDACTED]; DCOS [NAME REDACTED]; C/OPS [NAME REDACTED]; and C/STB [NAME REDACTED] (hereinafter referred to as [ONE WORD REDACTED] Mgmt). Complainant was the only African American OO serving in the [ONE WORD REDACTED].
7. While serving as an OO, Complainant was not provided with the same opportunities or tools for fulfilling his duties as an OO. Despite not providing him with the same operational tool as non-African American OOs, [ONE WORD REDACTED] Mgmt. placed expectations on Complainant far above those required of non-African American OOs. Complainant was therefore effectively precluded from career advancement potential as an OO. [ONE WORD

REDACTED] Mgmt. also subjected Complainant to a harsh and unequal working environment whereby he was unable to compete with non-African American OOs. Specifically, [ONE WORD REDACTED] Mgmt. demonstrated a clear discriminatory animus towards Complainant when on April 6, 2000; it presented Complainant with an unrealistic and unjustified Advanced Work Plan (AWP) that was considerably more demanding and harsher than any requirements placed on non-African American OOs.

8. [ONE WORD REDACTED] Mgmt's disparate action on April 6, 2000 was part of a pattern and practice of discrimination based on race (African American) that Complainant was subjected to from the start of his tour at the [ONE WORD REDACTED]. Complainant was repeatedly passed over for operational opportunities and subjected to routine disparate treatment as the only African American OO at the [ONE WORD REDACTED].
9. [ONE WORD REDACTED] Mgmt subjected Complainant to retaliation for his participation in the EEO process. On May 3, 2000 Complainant was scheduled to undergo updated security processing. Security processing is an arbitrary regime within the CIA that is utilized more for its nature as a tool for intimidation than any substantive security implications. Complainant was not scheduled to undergo updated security processing until sometime during the year 2001 in accordance with CIA regulations and documentation in Complainant's security file. [ONE WORD REDACTED] Mgmt. was aware of Complainant's participation in the EEO process when updated security processing was scheduled. [ONE WORD REDACTED] Mgmt. also subjected Complainant to retaliation for participation in the EEO process when it either committed or failed to prevent the destruction of Complainant's personal property, which Complainant first discovered on June 15, 2000.

[ONE WORD REDACTED] Mgmt was also aware of Complainant's participation in the EEO process at the time of the vandalism to Complainant's personal property.

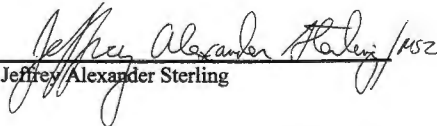
10. The disparate treatment that Complainant underwent at the [ONE WORD REDACTED] was part of a pattern and practice of discrimination based on race (African American) and disparate treatment that Complainant has suffered during the tenure of his career as an OO at the CIA. Complainant had previously been denied work opportunities and routinely passed over for assignments based on the statements made by CIA management to Complainant that he could not be operationally inconspicuous considering his size, color of his skin and use of a language (taught to Complainant by the CIA) not typical for those in his race (African American).
11. CIA interfered with Complainant's Constitutional right to access to an attorney. Prior to having effective counsel with his attorney, Complainant's chosen private attorney was required to undergo security screening and be security cleared to meet with Complainant. Complainant fully complied with this requirement and did not have substantive discussions regarding Complainant's affiliation with the CIA or details as to Complainant's identity until the attorney was granted the necessary security clearance. The attorney was not granted the necessary security clearance until four months after initiation of the EEO process. Complainant was effectively denied the access to or benefit of counsel during the EEO process.

WHEREFORE, Complainant Jeffrey Alexander Sterling (aka [NAME REDACTED])

request that the Court award him the following relief:

- (1) Declare that the CIA subjected Complainant to employment discrimination on the basis of race (African American) as a member of (1) a protected category; and (2) treated differently than officers not in the same protected category;
- (2) Declare that the CIA subjected Complainant to retaliation for his participation in the EEO process;
- (3) Declare that the CIA has perpetrated a pattern and practice of employment discrimination against Complainant throughout his career;
- (4) Declare that CIA interfered with Complainant's access to legal counsel;
- (5) Award Complainant the maximum monetary amount allowed by applicable law for the employment discrimination and damages suffered at the CIA by Complainant;
- (6) Award Complainant the costs of the action and reasonable attorney's fees under the Equal Access to Justice Act or any other applicable law;
- (7) Grant such other relief as the Court may deem just and proper.

Dated: August 28, 2001


Jeffrey Alexander Sterling

U.S. DISTRICT COURT
FILED
MAR - 7 2003
S. D. OF N.Y.

MICROFILM
MAR - 7 2003 - 12 00 PM



KRIEGER & ZAID, PLLC

Attorneys-At-Law
1133 21st Street, N.W.
Suite 800
Washington, D.C. 20036
(202) 223-9050
(202) 223-9066 fax

January 27, 2002

VIA FACSIMILE AND MAIL
PRIVILEGED AND CONFIDENTIAL
FOR SETTLEMENT PURPOSES ONLY

Scott Muller, Esq.
General Counsel
Office of General Counsel
Central Intelligence Agency
Washington, D.C. 20505

Re: Sterling v. Tenet et al. 01 Civ. 8073 (AGS)(S.D.N.Y.)

Dear Mr. Muller:

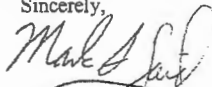
As you may know, I represent Jeffrey Sterling, a former employee of your Agency, who is the plaintiff in the above pending discrimination lawsuit. Based on the recent decision of the Honorable Allen G. Schwartz, I thought it prudent to attempt another good-faith effort to amicably resolve this matter before it becomes more of a public spectacle. Because it is unclear as to which U.S. Attorney's Office will assume jurisdiction for such an effort, I am directing this settlement proposal to your attention, although I am carbon copying the two respective Justice Department offices.

Mr. Sterling is willing to voluntarily dismiss his lawsuit in exchange for payment of (a) \$200,000 plus attorneys fees and costs, (b) a favorable employment recommendation and/or statement, the language of which is to be negotiated in good-faith and (c) the government's consent to unseal Judge Schwartz's decision (following its declassification, of course). Frankly, the only significant change in this offer versus our original offer proposed to your predecessor by letter dated 17 October 2001, will be the increase in attorney's fees, the reason for which is obvious. If the Agency is seriously interested in settling this case, please let me know and I will provide you with a specific amount for attorney's fees.

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This offer remains open until Friday, 7 February 2003. Please feel free to have your representative or the Department of Justice contact me to discuss this matter further. I look forward to your response.

Sincerely,



Mark S. Zaid

cc: David J. Kennedy (via facsimile)
AUSA, SDNY
Richard Parker (via facsimile)
Deputy Civil Chief, EDVA
Jeffrey Sterling

KRIEGER & ZAID, PLLC

Attorneys-At-Law
1133 21st Street, N.W.
Suite 800
Washington, D.C. 20036
(202) 223-9050
(202) 223-9066 fax

12 February 2003

VIA FACSIMILE AND MAIL
PRIVILEGED AND CONFIDENTIAL
FOR SETTLEMENT PURPOSES ONLY

Scott Muller, Esq.
General Counsel
Office of General Counsel
Central Intelligence Agency
Washington, D.C. 20505

Re: Sterling v. Tenet et al. 01 Civ. 8073 (AGS)(S.D.N.Y.)

Dear Mr. Muller:

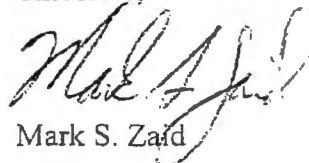
I write in reference to my client's settlement offer conveyed to you by my letter dated 27 January 2003. The settlement offer expired Friday, 7 February 2003.

As I am aware you are now doubt engaged in some very pressing matters, and given the limbo status of the litigation as the case awaits transfer between two districts, I wanted to make sure the Agency intended to allow the offer to lapse.

Therefore, please be kind enough to notify me, either through your Litigation Division or the appropriate U.S. Attorney's Office, whether the Agency wishes to discuss settlement or respectfully declines at this time.

Your cooperation is appreciated.

Sincerely,


Mark S. Zaid

GOVERNMENT
EXHIBIT

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1:10CR485

3411

cc: David J. Kennedy (via facsimile)
AUSA, SDNY
Richard Parker (via facsimile)
Deputy Civil Chief, EDVA
Robert J. Eatinger, Jr. (via facsimile)
Associate General Counsel, CIA
Jeffrey Sterling

**Contact Between Telephone Numbers Affiliated with Jeffrey Sterling and James Risen
or *The New York Times* Main Line in Washington, DC,
and Contact Between Email Addresses Affiliated with Jeffrey Sterling and James Risen
(47 Calls Bolded, 14 Emails Not Bolded)**

	Date (Day of Week)	Time	Duration (min:sec)	Originating Number or Email Address	Subscriber (location)	Terminating Number or Email Address	Subscriber (location)
01	02/27/2003 (Thursday)	8:03 p.m.	00:50	(703) 793-9388	Jeffrey Sterling (Herndon, Virginia)	(301) 977-9159	James Risen (Gaithersburg, Maryland)
A	03/10/2003 (Monday)	4:31 (PST)		<u>jeffreys@hotmail.com</u> "I'm sure you've already seen this, but quite interesting, don't you think? All the more reason to wonder..." (Article about Iranian nuclear program attached to email)		<u>jrisen@nytimes.com</u>	
02	03/10/2003 (Monday)	9:11 p.m.	00:06	(703) 793-9388	Jeffrey Sterling (Herndon, Virginia)	(301) 208-2580	James Risen (Gaithersburg, Maryland)

	Date (Day of Week)	Time	Duration (min:sec)	Originating Number or Email Address	Subscriber (location)	Terminating Number or Email Address	Subscriber (location)
03	03/10/2003 (Monday)	10:23 p.m.	00:14	(703) 793-9388	Jeffrey Sterling (Herndon, Virginia)	(301) 208-2580	James Risen (Gaithersburg, Maryland)
04	03/16/2003 (Sunday)	9:50 p.m.	00:03	(703) 793-9388	Jeffrey Sterling (Herndon, Virginia)	(301) 208-2580	James Risen (Gaithersburg, Maryland)
05	03/16/2003 (Sunday)	11:13 p.m.	01:24	(703) 793-9388	Jeffrey Sterling (Herndon, Virginia)	(301) 208-2580	James Risen (Gaithersburg, Maryland)
06	03/20/2003 (Thursday)	2:26 a.m.	01:31	(703) 793-9388	Jeffrey Sterling (Herndon, Virginia)	(301) 977-9159	James Risen (Gaithersburg, Maryland)
07	03/29/2003 (Saturday)	11:12 p.m.	00:03	(703) 793-9388	Jeffrey Sterling (Herndon, Virginia)	(301) 208-2580	James Risen (Gaithersburg, Maryland)

3414

	Date (Day of Week)	Time	Duration (min:sec)	Originating Number or Email Address	Subscriber (location)	Terminating Number or Email Address	Subscriber (location)
B	12/23/2003 (Thursday)	12:29 p.m.		<u>Jrisen@aol.com</u> "can we get together in early january? jim"		<u>jsthe7th@hotmail.com</u>	
08	02/09/2004 (Monday)	5:35 p.m.	00:04	(202) 862-0300	<i>The New York Times</i> (main line in Washington, DC)	(314) 862-8850	Lora and John Dawson (St. Louis, Missouri)
09	02/09/2004 (Monday)	5:37 p.m.	01:21	(202) 862-0300	<i>The New York Times</i> (main line in Washington, DC)	(314) 862-8850	Lora and John Dawson (St. Louis, Missouri)
10	02/13/2004 (Friday)	10:40 p.m.	00:07	(202) 862-0300	<i>The New York Times</i> (main line in Washington, DC)	(314) 862-8850	Lora and John Dawson (St. Louis, Missouri)
11	02/13/2004 (Friday)	10:41 p.m.	01:33	(202) 862-0300	<i>The New York Times</i> (main line in Washington, DC)	(314) 862-8850	Lora and John Dawson (St. Louis, Missouri)

	Date (Day of Week)	Time	Duration (min:sec)	Originating Number or Email Address	Subscriber (location)	Terminating Number or Email Address	Subscriber (location)
12	03/16/2004 (Tuesday)	9:09 p.m.	00:39	(202) 862-0300	<i>The New York Times</i> (main line in Washington, DC)	(314) 862-8850	Lora and John Dawson (St. Louis, Missouri)
13	03/16/2004 (Tuesday)	9:11 p.m.	01:39	(202) 862-0300	<i>The New York Times</i> (main line in Washington, DC)	(314) 862-8850	Lora and John Dawson (St. Louis, Missouri)
14	03/19/2004 (Friday)	9:58 p.m.	00:06	(202) 862-0300	<i>The New York Times</i> (main line in Washington, DC)	(314) 862-8850	Lora and John Dawson (St. Louis, Missouri)
C	03/22/2004 (Monday)	12:52 p.m.		Irisen@aol.com		jsthe7th@hotmail.com	
15	03/22/2004 (Monday)	6:08 p.m.	00:32	(202) 862-0300	<i>The New York Times</i> (main line in Washington, DC)	(314) 862-8850	Lora and John Dawson (St. Louis, Missouri)

	Date (Day of Week)	Time	Duration (min:sec)	Originating Number or Email Address	Subscriber (location)	Terminating Number or Email Address	Subscriber (location)
16	03/26/2004 (Friday)	11:21 p.m.	00:03	(202) 862-0300	<i>The New York Times</i> (main line in Washington, DC)	(314) 862-8850	Lora and John Dawson (St. Louis, Missouri)
17	03/31/2004 (Wednesday)	8:53 p.m.	00:02	(202) 862-0300	<i>The New York Times</i> (main line in Washington, DC)	(314) 862-8850	Lora and John Dawson (St. Louis, Missouri)
18	03/31/2004 (Wednesday)	8:58 p.m.	24:58	(202) 862-0300	<i>The New York Times</i> (main line in Washington, DC)	(314) 862-8850	Lora and John Dawson (St. Louis, Missouri)
19	04/20/2004 (Tuesday)	9:10 p.m.	00:04	(202) 862-0300	<i>The New York Times</i> (main line in Washington, DC)	(314) 862-8850	Lora and John Dawson (St. Louis, Missouri)

	Date (Day of Week)	Time	Duration (min:sec)	Originating Number or Email Address	Subscriber (location)	Terminating Number or Email Address	Subscriber (location)
20	04/20/2004 (Tuesday)	10:02 p.m.	00:29	(202) 862-0300	<i>The New York Times</i> (main line in Washington, DC)	(314) 862-8850	Lora and John Dawson (St. Louis, Missouri)
21	04/22/2004 (Thursday)	8:00 p.m.	04:42	(202) 862-0300	<i>The New York Times</i> (main line in Washington, DC)	(314) 862-8850	Lora and John Dawson (St. Louis, Missouri)
D	05/06/2004 (Thursday)	12:34 a.m.		<u>Jrisen@aol.com</u>		<u>jsthe7th@hotmail.com</u>	
E	05/07/2004 (Friday)	3:47 p.m.		<u>Jrisen@aol.com</u>		<u>jsthe7th@hotmail.com</u>	
F	05/08/2004 (Saturday)	5:15 p.m.		<u>Jrisen@aol.com</u> "I want to call today. I'm trying to write the story jim" -and- "I need your phone number again."		<u>jsthe7th@hotmail.com</u>	

3418

	Date (Day of Week)	Time	Duration (min:sec)	Originating Number or Email Address	Subscriber (location)	Terminating Number or Email Address	Subscriber (location)
22	05/10/2004 (Monday)	11:07 p.m.	00:03	(202) 862-0300	<i>The New York Times</i> (main line in Washington, DC)	(314) 862-8850	Lora and John Dawson (St. Louis, Missouri)
23	05/12/2004 (Wednesday)	8:53 p.m.	10:09	(202) 862-0300	<i>The New York Times</i> (main line in Washington, DC)	(314) 862-8850	Lora and John Dawson (St. Louis, Missouri)
G	05/16/2004 (Sunday)	8:52 p.m.		<u>Jrisen@aol.com</u> "I am sorry if I have failed you so far. But I really enjoy talking with you, and I would like to continue. jim"		<u>jsthe7th@hotmail.com</u>	
H	05/17/2004 (Monday)	1:11 p.m.		<u>Jrisen@aol.com</u>		<u>jsthe7th@hotmail.com</u>	
24	05/25/2004 (Tuesday)	10:38 p.m.	07:52	(202) 862-0300	<i>The New York Times</i> (main line in Washington, DC)	(314) 862-8850	Lora and John Dawson (St. Louis, Missouri)

	Date (Day of Week)	Time	Duration (min:sec)	Originating Number or Email Address	Subscriber (location)	Terminating Number or Email Address	Subscriber (location)
25	05/26/2004 (Wednesday)	10:30 p.m.	00:05	(202) 862-0300	<i>The New York Times</i> (main line in Washington, DC)	(314) 862-8850	Lora and John Dawson (St. Louis, Missouri)
I	06/10/2004 (Thursday)	4:12 p.m.		Jrisen@aol.com "I can get it to you. where can I send it?"		jsthe7th@hotmail.com	
J	06/11/2004 (Friday)	11:59 a.m.		Jrisen@aol.com		jsthe7th@hotmail.com	
K	06/11/2004 (Friday)	2:05 p.m.		Jrisen@aol.com		jsthe7th@hotmail.com	
L	06/11/2004 (Friday)	2:23 p.m.		Jrisen@aol.com		jsthe7th@hotmail.com	
M	06/11/2004 (Friday)	3:36 p.m.		Jrisen@aol.com		jsthe7th@hotmail.com	
26	06/11/2004 (Friday)	6:55 p.m.	00:03	(202) 862-0300	<i>The New York Times</i> (main line in Washington, DC)	(314) 862-8850	Lora and John Dawson (St. Louis, Missouri)

	Date (Day of Week)	Time	Duration (min:sec)	Originating Number or Email Address	Subscriber (location)	Terminating Number or Email Address	Subscriber (location)
N	06/13/2004 (Sunday)	12:33 p.m.		<u>Jrisen@aol.com</u>		<u>jsthe7th@hotmail.com</u>	
27	06/25/2004 (Friday)	3:52 p.m.	00:17	(202) 862-0300	<i>The New York Times</i> (main line in Washington, DC)	(314) 923-4274	Jeffrey Sterling's Extension, Blue Cross Blue Shield (St. Louis, Missouri)
28	06/25/2004 (Friday)	4:10 p.m.	00:04	(202) 862-0300	<i>The New York Times</i> (main line in Washington, DC)	(314) 923-4274	Jeffrey Sterling's Extension, Blue Cross Blue Shield (St. Louis, Missouri)
29	06/25/2004 (Friday)	7:23 p.m.	1:41	(202) 862-0300	<i>The New York Times</i> (main line in Washington, DC)	(314) 923-4274	Jeffrey Sterling's Extension, Blue Cross Blue Shield (St. Louis, Missouri)

	Date (Day of Week)	Time	Duration (min:sec)	Originating Number or Email Address	Subscriber (location)	Terminating Number or Email Address	Subscriber (location)
30	06/25/2004 (Friday)	8:01 p.m.	00:25	(202) 862-0300	<i>The New York Times</i> (main line in Washington, DC)	(314) 923-4274	Jeffrey Sterling's Extension, Blue Cross Blue Shield (St. Louis, Missouri)
31	07/08/2004 (Thursday)	8:41 p.m.	3:02	(301) 208-2580	James Risen (Gaithersburg, Maryland)	(314) 923-4274	Jeffrey Sterling's Extension, Blue Cross Blue Shield (St. Louis, Missouri)
32	11/06/2004 (Saturday)	11:27 a.m.	1:00	(314) 479-3563	Jeffrey Sterling (cellular telephone, Missouri)	(301) 208-2580	James Risen (Gaithersburg, Maryland)

3422

	Date (Day of Week)	Time	Duration (min:sec)	Originating Number or Email Address	Subscriber (location)	Terminating Number or Email Address	Subscriber (location)
33	02/14/2005 (Monday)	9:51 p.m.	35:57	(202) 862-0300	<i>The New York Times</i> (main line in Washington, DC)	(314) 923-4274	Jeffrey Sterling's Extension, Blue Cross Blue Shield (St. Louis, Missouri)
34	03/23/2005 (Wednesday)	4:37 p.m.	5:00	(314) 479-3563	Jeffrey Sterling (cellular telephone, Missouri)	(301) 208-2580	James Risen (Gaithersburg, Maryland)
35	08/03/2005 (Wednesday)	11:46 p.m.	00:30	(202) 862-0300	<i>The New York Times</i> (main line in Washington, DC)	(314) 479-3563	Jeffrey Sterling (cellular telephone, Missouri)
36	08/05/2005 (Friday)	1:12 p.m.	2:00	(314) 479-3563	Jeffrey Sterling (cellular telephone, Missouri)	(240) 994-9524	James Risen (cellular telephone, Maryland)

3423

	Date (Day of Week)	Time	Duration (min:sec)	Originating Number or Email Address	Subscriber (location)	Terminating Number or Email Address	Subscriber (location)
37	08/05/2005 (Friday)	10:16 p.m.	01:39	(240) 994-9524	James Risen (cellular telephone, Maryland)	(314) 479-3563	Jeffrey Sterling (cellular telephone, Missouri)
38	08/11/2005 (Thursday)	1:35 p.m.	3:00	(314) 479-3563	Jeffrey Sterling (cellular telephone, Missouri)	(240) 994-9524	James Risen (cellular telephone, Maryland)
39	08/27/2005 (Saturday)	1:41 p.m.	1:00	(314) 479-3563	Jeffrey Sterling (cellular telephone, Missouri)	(240) 994-9524	James Risen (cellular telephone, Maryland)
40	08/27/2005 (Saturday)	4:16 p.m.	00:39	(240) 994-9524	James Risen (cellular telephone, Maryland)	(314) 479-3563	Jeffrey Sterling (cellular telephone, Missouri)

3424

	Date (Day of Week)	Time	Duration (min:sec)	Originating Number or Email Address	Subscriber (location)	Terminating Number or Email Address	Subscriber (location)
41	10/22/2005 (Saturday)	5:33 p.m.	3:00	(314) 479-3563	Jeffrey Sterling (cellular telephone, Missouri)	(240) 994-9524	James Risen (cellular telephone, Maryland)
42	11/14/2005 (Monday)	12:01 p.m.	1:00	(314) 479-3563	Jeffrey Sterling (cellular telephone, Missouri)	(301) 208-2580	James Risen (Gaithersburg, Maryland)
43	11/15/2005 (Tuesday)	10:56 a.m.	1:00	(314) 479-3563	Jeffrey Sterling (cellular telephone, Missouri)	(301) 208-2580	James Risen (Gaithersburg, Maryland)
44	11/15/2005 (Tuesday)	10:56 a.m.	2:00	(314) 479-3563	Jeffrey Sterling (cellular telephone, Missouri)	(240) 994-9524	James Risen (cellular telephone, Maryland)

	Date (Day of Week)	Time	Duration (min:sec)	Originating Number or Email Address	Subscriber (location)	Terminating Number or Email Address	Subscriber (location)
45	11/19/2005 (Saturday)	9:15 a.m.	1:00	(314) 479-3563	Jeffrey Sterling (cellular telephone, Missouri)	(301) 208-2580	James Risen (Gaithersburg, Maryland)
46	11/19/2005 (Saturday)	9:16 a.m.	5:00	(314) 479-3563	Jeffrey Sterling (cellular telephone, Missouri)	(240) 994-9524	James Risen (cellular telephone, Maryland)
47	11/20/2005* (Sunday)	12:08 a.m.	00:42	(240) 994-9524	James Risen (cellular telephone, Maryland)	(314) 479-3563	Jeffrey Sterling (cellular telephone, Missouri)
	11/21/2005 to 05/08/2007			No calls between Risen and Sterling			

79615d57-d632-4f37-8c97-25d01ed35793_mime.txt
X-Message-Info: JGTyoYF78jEHjJx360i8+QlOJDRSDidP
Received: from relay.clickability.com ([208.184.224.72]) by mc6-f15.law1.hotmail.com
with Microsoft SMTPSVC(5.0.2195.5600);
Mon, 10 Mar 2003 04:31:03 -0800
Received: (qmail 20604 invoked from network); 10 Mar 2003 12:31:03 -0000
Received: from localhost (HELO relay.clickability.com) (127.0.0.1)
by localhost with SMTP; 10 Mar 2003 12:31:03 -0000
Message-ID: <6372552.1047299463382.JavaMail.root@localhost>
Date: Mon, 10 Mar 2003 04:31:03 -0800 (PST)
From: jeffreys@hotmail.com
To: jeffreys@hotmail.com, jrisen@nytimes.com
Subject: CNN.com - Report: Iran has 'extremely advanced' nuclear program - Mar. 10,
2003
Mime-Version: 1.0
Content-Type: multipart/alternative;
boundary="-----_Part_5242_3987301.1047299463379"
X-Mailer: sendhtml
Return-Path: jeffreys@hotmail.com
X-OriginalArrivalTime: 10 Mar 2003 12:31:03.0486 (UTC) FILETIME=[EA3085E0:01C2E700]
-----_Part_5242_3987301.1047299463379
Content-Type: text/plain; charset=us-ascii
Content-Transfer-Encoding: 7bit
Content-Disposition: INLINE

Please note, the sender's email address has not been verified.

I'm sure you've already seen this, but quite interesting, don't you think? All the
more reason to wonder...

J

If you are having trouble with any of the links in this message, or if the URL's are
not appearing as links, please follow the instructions at the bottom of this email.

Title: CNN.com - Report: Iran has 'extremely advanced' nuclear program - Mar. 10,
2003

Copy and paste the following into your web browser to access the sent link:
<http://www.emailthis.clickability.com/et/emailThis?clickMap=viewThis&etMailToID=1224093118&pt=y>

Copy and paste the following into your web browser to SAVE THIS link:
<http://www.savethis.clickability.com/st/saveThisPopupApp?clickMap=saveFromET&partnerID=2006&etMailToID=1224093118&pt=y>

Copy and paste the following into your web browser to forward this link:
<http://www.emailthis.clickability.com/et/emailThis?clickMap=forward&etMailToID=1224093118&partnerID=2006&pt=y>

GOVERNMENT
EXHIBIT
102
1:10CR485

79615d57-d632-4f37-8c97-25d01ed35793_mime.txt

Click on the Email This button on any pages from any web site you visit - add the EMAIL THIS button to your browser, copy and paste the following into your web browser:
<http://www.emailthis.clickability.com/et/emailThis?clickMap=browserButtons&pt=Y>

Instructions:

If your e-mail program doesn't recognize web addresses:

1. With your mouse, highlight the web Address above. Be sure to highlight the entire web address, even if it spans more than one line in your email.
2. Select Copy from the Edit menu at the top of your screen.
3. Launch your web browser.
4. Paste the address into your web browser by selecting Paste from the Edit menu.
5. Click Go or press Enter or Return on your keyboard.

-----=_Part_5242_3987301.1047299463379

Content-Type: text/html

Content-Transfer-Encoding: 7bit

Content-Disposition: INLINE

--file:/etHTMLEmail.html template:HTMLEmail1-->
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<HEAD>

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.font-gr { font-family: Arial, Helvetica, sans-serif; font-size: 9px; color: #666666}

.fontbold { font-weight: bold; font-family: Verdana, Arial, Helvetica, sans-serif; font-size: 11px; color: #000000}

.fontsponsor { color: #333399; font-weight: bold; font-family: Verdana, Arial, Helvetica, sans-serif; font-size: 11px;}

.fontlargebold {font-size: 12px; font-weight: bold; font-family: Verdana, Arial, Helvetica, sans-serif;}

.fontspacer { font-size: 5px }

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Page 2

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border="0"></a></TD>
          <TD align="RIGHT" class="font-cn"><IMG
src="http://images.clickability.com/logos/cc0000/emailthis-logo.gif">&nbsp;<br><!--f
ile:/sponsorship.html template:SponsorshipBlock2-->
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<td align="right" class="font-cn">Powered by</td>
<td>&nbsp;<a href="javascript:
window.open('http://www.clickability.com/327.html','', 'toolbar=no, width=475,
height=600, resizable=1, scrollbars=0'); void('');"><IMG border=0
src="http://images.clickability.com/partners/1/smallclicklogo.gif"></a></td>
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</table>
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  <TR>
    <TD class="fontbold">
      I'm sure you've already seen this, but quite interesting,
      don't you think? All the more reason to wonder...<BR><BR>J<BR><BR>
    </TD>
    <TD width="13">&nbsp;</TD>
  </TR>
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</TD>
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79615d57-d632-4f37-8c97-25d01ed35793_mime.txt

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<TR>
<TD class="fontspacer">&nbsp;</TD>
<TD class="fontspacer">&nbsp;</TD>
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HREF="http://cnn.worldnews.emailthis.clickability.com/et/emailThis?clickMap=viewThis
&etMailToID=1224093118" style="color:#000099" target=_blank>CNN.com - Report: Iran
has 'extremely advanced' nuclear program - Mar. 10, 2003</a><span
style="color:#000099">*</span>
  </TD>
</TR>
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<TD width="55%">&nbsp;</TD>
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<TD width="39%"><A
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src="http://images.clickability.com/eti/btn-save-link.gif" width="115" height="20"
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etMailToID=1224093118&partnerID=2006" target=_blank><IMG
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79615d57-d632-4f37-8c97-25d01ed35793_mime.txt
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    <TD width="28%">&nbsp;</TD>
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EMAIL THIS Browser Button and use it to email information from any Web site.</TD>
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HREF="http://cnn.worldnews.emailthis.clickability.com/et/emailThis?clickMap=browserB
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</TABLE>

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</style>
<!-- world_email_this_page -->
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//-->
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border="0"></TD>
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  <TR>
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79615d57-d632-4f37-8c97-25d01ed35793_mime.txt

<TD width="1%" class="fontspacer"> </TD>
</TR>

</TABLE>

</TD>

</TR>

<TR>

<TD> </TD>

and paste the entire address below into your web browser.

<http://www.cnn.com/2003/WORLD/meast/03/09/iran.nuclear/index.html>

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-----=_Part_5242_3987301.1047299463379--



PRINT THIS

Powered by Clickability

Report: Iran has 'extremely advanced' nuclear program

Facility violates non-proliferation pact, sources say

WASHINGTON (CNN) —According to a Time magazine report, Iran has a nuclear program that is far more advanced than has been previously disclosed.

Citing unnamed diplomatic sources, Time says U.N. weapons-inspectors have discovered that Iran's uranium-enrichment facility is "extremely advanced," to the point that it violates the Nuclear Non-Proliferation Treaty [NPT].

On a visit last month to Iran, Mohamed ElBaradei, director general of the International Atomic Energy Agency, visited the facility designed to enrich uranium that Iran is building near Natanz.

But diplomatic sources quoted by TIME say he found the plant much further advanced than previously believed. The sources say work on the plant is "extremely advanced," involves hundreds of gas centrifuges ready to produce enriched uranium and "the parts for a thousand others ready to be assembled."

Iran has confirmed that two facilities, the one in Natanz and another near Arak, are indeed nuclear plants, but it says the country's nuclear program is aimed at building nuclear power plants.

Iranian experts have acquired the knowledge for civilian application of the nuclear technology," President Mohammed Khatami said in February. The Iranian leader added that nations have a right to do so.

Sources told Time that the IAEA, the U.N.'s nuclear watchdog, found that Iran has added uranium to some centrifuges as a test — in "blatant violation" of the NPT, to which Iran is a signatory.

"If Iran were found to have an operating centrifuge, it would be a direct violation [of the treaty] and is something that would need immediately to be referred to the United Nations Security Council for action," Jon Wolfstahl of the Carnegie Endowment for International Peace was quoted as saying in the article.

The IAEA has neither publicly released the information nor responded to the Time report.

U.S. officials have long accused Iran of trying to develop nuclear weapons.

In December 2002, the State Department said recent satellite photos reinforced the belief that Iran was "actively working" on a nuclear weapons program. However, the IAEA said that Iran had notified it of its intentions and invited it to inspect the facilities.

Referring to Sunday's report, Secretary of State Colin Powell said on CNN's "Late Edition with Wolf Blitzer," "Here, we suddenly discover that Iran is much further along — with a far more robust nuclear weapons development program — than anyone said it had, and now the IAEA has found that out.

"We've provided them information, they have discovered it, and it shows you how a determined nation that has the intent to develop a nuclear weapon can keep that development process secret from inspectors and outsiders."

National security adviser Condoleezza Rice said the news "does not surprise us at all."

"We've said all along that there are real problems with Iran and its so-called peaceful nuclear programs," she said on

<http://cnn.worldnews.printthis.clickability.com/pt/cpt?action=cpt&title=CNN.com+-+Re...> 10/23/2006

ABC's "This Week." "It's been couched as a peaceful program, but we've been one of the lone voices that said the Iranians are a problem."

Last year, President Bush called on Russia to end its work with Iran on nuclear reactors, insisting that Tehran was trying to develop nuclear weapons. Moscow refused.

"We've talked to the Russians about it," Rice said Sunday.

House Minority Leader Nancy Pelosi cited Iran last week in presenting her argument that regime change in Iraq will not ensure its disarmament. Iraq is "in a very dangerous neighborhood," the California Democrat said. "The Iranians are developing weapons of mass destruction. Practically every country in the region is developing weapons of mass destruction and the capability to launch them."

Israel, which is widely believe to have developed nuclear weapons and which destroyed an Iraqi nuclear plant in Osirak in a 1981 raid, says it is deeply alarmed by the developments.

An Israeli official told Time that the news is "a huge concern" because Iran denies Israel's right to exist and is a principal sponsor of Hezbollah, which has carried out attacks against Israelis and is considered a terrorist organization by the United States.

Time magazine is a unit of AOL Time Warner, which also owns CNN.

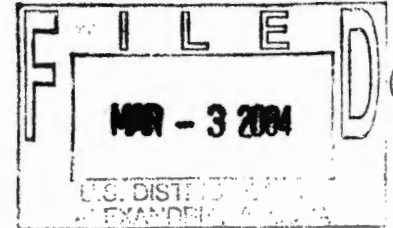
Find this article at:

<http://www.cnn.com/2003/WORLD/meast/03/09/iran.nuclear/index.html>

☐ Check the box to include the list of links referenced in the article.

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

ALEXANDRIA DIVISION



JEFFREY ALEXANDER STERLING,

Plaintiff,

v.

Civil Action No. 03-329-A

GEORGE TENET,
Director, Central Intelligence
Agency, et al.

Defendants.

ORDER

THIS MATTER is before the Court on Defendants' Motion to Dismiss. In its previous Memorandum Order of March 3, 2004, the Court granted Defendant's Motion to Dismiss, and denied Plaintiff leave to amend his Complaint. From the foregoing, it is hereby

ORDERED that JUDGMENT is ENTERED in favor of Defendants George Tenet, Director of Central Intelligence, et. al, and AGAINST Plaintiff Jeffrey Alexander Sterling.

A True Copy, Teste:
Clerk, U.S. District Court

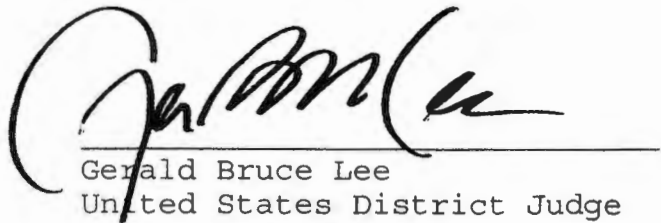
By 1 R. P. Barbo
Deputy Clerk



The Clerk is DIRECTED to ENTER JUDGMENT pursuant to Federal Rule of Civil Procedure 58.

The Clerk is directed to forward a copy of this Order to counsel.

Entered this 3rd day of March, 2004.



Gerald Bruce Lee
United States District Judge

Alexandria, Virginia
03/03/04